IN THE HIGH COURT OF UTTARAKHAND AT NAINIAL

Writ Petition No. 1574 (S/S) of 2007

Chitranjan Joshi
S/o Shri G.C. Joshi
Presently posted as Junior Engineer
Rural Engineering Services
Udham Singh Nagar.

……Petitioner

Versus

1. State of Uttarakhand through
   Secretary Rural Engineering Services
   Government of Uttarakhand
   Secretariat, Dehradun.
2. Chief Engineer, Department of Rural
   Engineering Services, Government of
   Uttarakhand, Dehradun.

……Respondents

Shri Sudhanshu Dhulia, Sr. Advocate, assisted by Shri Sanjay Bhatt, learned counsel for the petitioner.
Shri N.P. Sah, learned Standing Counsel for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned Standing Counsel.

2. By means of this writ petition, the petitioner has challenged the order dated 15.10.2007 (copy annexure-6 to the writ petition), passed by respondent No. 2, whereby he has been transferred from District Udham Singh Nagar to District Pauri.

3. The Petitioner is a Junior Engineer with Rural Engineering Services Department. It appears that a writ petition No. 999 (S/S) of 2007, was filed by

one Sudesh Kumar, which was decided by this Court on 16.08.2007. In said case this Court made following observations:-

“ The stand taken by the respondents in their counter affidavit, cannot be accepted firstly; on the ground that 17 Junior Engineers have been relived from Pauri Division for one or other cause whereas; only 2 persons have been transferred to Pauri by the impugned order. Thus the argument advanced by the respondents that there arose acute shortage of Junior Engineers in Pauri Division therefore, the petitioner has been transferred, is not sustainable. Secondly, the persons who were selected in the year 2004-05 by the Public Service Commission have managed themselves to get them transferred to the plain areas within a very short span of time of about 6 months. This Court is experiencing that the employees who are able to get manage their posting in the plain areas, they are being posted in the plain areas with the result that there arises shortage of employees in each and every Department in the hilly areas of State of Uttarakhand. This Court is unable to understand that when there was shortage of Junior Engineers in division Pauri, then what was the occasion before the authorities to get the employees transferred from Hill areas to plain areas further what was the compulsion on the respondents to transfer the Junior Engineers from Pauri Division to some other Division.”

Following direction was given in said writ petition:-

"In these circumstances, I direct the Secretary, Panchayati Raj and Rural Engineering Service, Govt. of Uttarakhand, Dehradun to reconsider those transfers which have been made in the year 2005-2006, keeping in view the issues raised by this Court in the body of the judgment, and pass appropriate orders on merit after reconsideration. Further, in case if, the petitioner prefers representation before the Authorities, the same shall be considered within a period of four weeks from the date of production of the representation along with a certified copy of this order before the Authority concerned."

4. From the impugned order, it appears that in compliance of the aforesaid judgment and order, passed by this Court, petitioner was transferred from District Udham Singh Nagar to District Pauri. The order does not suffer from malice or arbitrariness, nor appears to be against the rules.

5. Having heard learned counsel for the parties, and after perusing the papers on record, this Court in the circumstances, is not inclined to interfere with the impugned order. However, as to the grievance of the petitioner, he can make a representation to the authorities concerned.

6. Therefore, this writ petition is dismissed in limine with the observation that the petitioner may make a representation to the authorities concerned for redressal of his grievances, considering that the transfer is being made in the mid session.

Dt. 27.10.2007 **(Prafulla C. Pant, J.)**

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